

FILED

DISTRICT COURT OF GUAM

DEC 19 2005 RP

MARY L.M. MORAN
CLERK OF COURT

To: Judge, U.S. District Court
To Clerk of Court

For: Ernesto M. Alvarez

CF 0467-02

01-05-00036

Re: Conspiracy to Commit

Perjury

Your Honor,

When Immigration Judge Hon. Dayna Barnes were reading the Plea-agreement,
I noticed the defect.

The Superior Court judge Steven S. Unpingco, prosecutor Dianne Cabbott and my
defense counsel entered into a conspiracy by altering the wording on page 2, 3 and 7 of the
plea agreement submitted to the INS.

For the 2nd plea I signed, on page 7, it's like, 'If and when the defendant is not
deported, the defendant shall serve (45) years at the Department of Corrections ...

Here, I made a complaint to Guam Judicial Council Board and I gave the copy
of my 1st plea agreement to the Ethics Prosecutor. I told them that, the 1st plea doesn't say
on page 7, letter (j), 'If and when the defendant is not deported ...' I also mentioned that the
court, AG and defense counsel has nothing to do with 'Deportation', it's the INS/Federal
who has the jurisdiction on 'Deportation Issue'.

When INS gave me a copy of plea agreement, all I did is look at page 7,
letter (j) this time it says, 'Once the defendant is deported, or otherwise removed, ...'
I thought I was released, but instead they moved the wording to page 3.
(Top portion).

I wrote Judge Dayna, I told her that Superior Court and the AG committed
a 'falsification of public document' and I asked if FBI can investigate and process
my complaint. So, it means, that there's a conspiracy of public officials by submitting

as evidence they knew that it was perjured. The worst is that, Superior Court of Guam is submitting it to a Federal Court. This is a violation of Ethics in the highest level.

On page 2,5 (a) That as to the charge of Attempted Murder (As a 1st Degree Felony), the Defendant shall be sentenced to fifteen(15) years imprisonment at the Department of Corrections, with all but three(3) years shall be suspended to permit the commencement and conclusion of ongoing deportation proceedings against the...

(page 3) Defendant. In the event that Defendant is not deported, Defendant shall serve the remainder of the sentence which has been suspended.

The two plea-agreements in my possession I signed:

1. I mailed the first plea to the 'Ethics prosecutor' Atty. Alberto Tolentino.
Suite 104 Calvo & Ariola Prof. Bldg.

259 Martys St. Hagatna, Guam 96910

2. I mailed the 2nd plea to my sister HERMINIA ALVAREZ - Tel (684) 948-6124

PMB 180

4364 BONITA Rd.

BONITA, CA. 91902

They can be contacted just to make comparison of a plea-agreement.

The plea-agreement regardless of what language it uses is unconstitutional, invalid and void, if constitute multiple punishments. It's an ex post facto, if violates the 8th amendment, if's excessive, the punishment is no longer proportional to the offense.

I know I am right and the law is on my side. My Constitutional Challenge I asserted in Guam Judiciary is a 'landmark', it goes beyond the cumulative powers of Constitutional instructions.

Hundreds and hundreds of Chamorro Citizens and U.S. inhabitants were denied of their rights and immunities secured and protected by 14th amendment and Federal Law. They have suffered by 'Miscarriage of law and justice' through false imprisonment, fraudulent trial and wrongful conviction since the time judges of Superior Courts of Guam served the headd by malicious prosecution, of 'Illegal or defective indictments'. The statute may be valid, but their classification of an offense is void when it comes to perjury.

Sincerely,
Calvo 12/13/05